

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO DIAZ SARCOS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 2:21-cv-00196-JDP (SS)

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

ECF No. 2

Plaintiff has requested authority under 28 U.S.C. § 1915 to proceed *in forma pauperis* and has submitted the affidavit required thereunder that demonstrates that plaintiff is unable to prepay fees and costs or give security for them. ECF No. 2. The court will therefore grant plaintiff's motion to proceed *in forma pauperis*. The court will also direct a United States Marshal to serve defendant Commissioner of Social Security. *See* Fed. R. Civ. P. 4(c)(3).

In accordance with the above, it is hereby ordered that:

1. Plaintiff's motion to proceed *in forma pauperis* is granted.
2. The Clerk of the Court is directed to serve a copy of this order on the United States Marshal.

1 3. Within fourteen days from the date of this order, plaintiff shall submit to the United
2 States Marshal an original and five copies of the completed summons, five copies of the
3 complaint, and shall file a statement with the court that said documents have been submitted to
4 the United States Marshal.

5 4. The United States Marshal is directed to serve all process without prepayment of costs
6 not later than sixty days from the date of this order. Service of process shall be completed by
7 delivering a copy of the summons and complaint to the United States Attorney for the Eastern
8 District of California, and by sending two copies of the summons and complaint by registered or
9 certified mail to the Attorney General of the United States at Washington, D.C. *See* Fed. R. Civ.
10 P. 4(i)(1)(A) & (B). The Marshal shall also send a copy of the summons and complaint by
11 registered or certified mail to the Commissioner of Social Security, c/o Office of General
12 Counsel, Region IX, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545. *See* Fed. R.
13 Civ. P. 4(i)(2). The United States Marshal shall thereafter file a statement with the court that said
14 documents have been served.

15 5. The parties are hereby notified that, after service of the complaint, this action will be
16 stayed pursuant to General Order Number 615, and there will be no scheduling order or deadlines
17 in effect pending further order of the court. *See* E.D. Cal. G.O. 615 ¶¶ 6 & 10.

18 6. The Clerk is directed to issue the Consent/Decline forms only. Under General Order
19 615, no briefing schedule will issue at this time.

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21 IT IS SO ORDERED.

22 Dated: February 3, 2021

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24 JEREMY D. PETERSON
25 UNITED STATES MAGISTRATE JUDGE
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